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15 **UNITED STATES DISTRICT COURT**  
16 **SOUTHERN DISTRICT OF CALIFORNIA**

17 **BRANDON LO, INDIVIDUALLY AND**  
18 **ON BEHALF OF ALL OTHERS**  
19 **SIMILARLY SITUATED**

20 **PLAINTIFF,**

21 **v.**

22 **OXNARD EUROPEAN MOTORS,**  
**LLC D/B/A MERCEDES BENZ OF**  
**OXNARD, AND OXNARD MB, LLC,**  
**D/B/A MERCEDES BENZ OF**  
**OXNARD & SMART CENTER OF**  
**OXNARD,**

23 **DEFENDANT.**

24 **Case No: 11CV1009-JLS-MDD**

25 **CLASS ACTOIN**

26 **JOINT MOTION FOR**  
**PRELIMINARY APPROVAL OF**  
**CLASS ACTION SETTLEMENT**  
**AGREEMENT**

27  
28 **HON. JANIS L. SAMMARTINO**  
**COURTROOM 6**

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1 Plaintiff, Brandon Lo, and defendant, Oxnard European Motors, LLC d/b/a Mercedes  
2 Benz of Oxnard (“Oxnard European Motors”) and Oxnard MB, LLC d/b/a Mercedes Benz of  
3 Oxnard & Smart Center of Oxnard (“Oxnard MB”), (hereinafter jointly referred to as the  
4 “Parties”), file this Joint Motion for Preliminary Approval of Class Action Settlement Agreement.

5 Specifically, through this Motion, the parties move jointly for leave to file a First  
6 Amended Complaint, certification of a settlement class, appointment of class counsel and class  
7 representatives, preliminary approval of their proposed settlement, and approval of their proposed  
8 plan to provide notice to the class. This motion is made on the following grounds:

- 9 (1) the proposed Class satisfies the requirements of Rule 23 for conditional certification for  
10 settlement purposes only; and  
11 (2) the proposed settlement is the product of non-collusive negotiations and is fundamentally  
12 fair, reasonable and adequate, and hence, warrants preliminary approval.

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The Parties' motion is based on the accompanying memorandum of points and authorities, the pleadings and papers on file herein, and other such matters as may be presented to the Court at the time of the hearing.

Respectfully Submitted,

s/ Joshua B. Swigart, Esq.

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